

1882-050 Chancery Causes: William W. Sage vs. John S. Bailey
Lee Co.

CA-Debt
T-Property

-Deed

To the Hon John A. Kelly Judge of the Circuit
Court of Lee County Virginia

Humbly confessing your Orator William W.
Sage a citizen of said County of Lee would respectfully
show unto your Honor that one John S. Bailey who is
a non resident of the State of Virginia is justly in-
debted to your Orator in the sum of \$25.44 with legal
interest thereon from the 9th day of May 1876 till paid
to show which your Orator will here state that said
John S. Bailey on the 8th day of May 1876 executed
and delivered to your Orator his bond dated on the
day and your best aforsaid, by which he bound himself
and heirs one day after the date thereof to pay to your Orator
said sum of \$25.44 for value received which bond
is herewith filed as a part of this bill marked (A)

Your Orator will here state that the whole of the debt
acknowledged and secured by said bond is now due and
owing to him from said John S. Bailey ~~and no part thereof~~
ever having been paid by him, but the same or any part
thereof to pay to your Orator, the said Bailey has all the
time refused and doth still refuse to pay the same

Your Orator will again state as he has already done
that said John S. Bailey is not a resident of the State
of Virginia, but that he is the owner of a tract or parcel
of land lying and being in said County of Lee and in
the Crab Orchard containing 300 acres be the same more or less
and which is particularly described in the copy of a deed herewith
filed as a part of this bill marked (B)

Your Orator is advised that the real estate of the said John S. Bailey is liable to him for said debt, and that a court of equity will take cognizance of the case and will apply so much thereof as may be necessary for that purpose, and to attain that end is the object of this Suit. Your Orator therefore prays that the said John S. Bailey be made the defendant to this bill, and be required to answer the allegations on oath, that an order of publication be entered posted and published against him, that an attachment be issued against him for said debt interest and costs and the same be levied on said real estate. And that on a final hearing of the cause a decree be rendered in favor of your Orator against said John S. Bailey for \$25.44 with interest from May the 9th 1876 till paid and the costs of suit. And that so much of the said real estate as may be necessary be decreed to be sold to pay said debt interest and costs. And if your Orator is in anywise mistaken in his Special prayer then he prays for all general and particular relief to which he may be entitled. May the Commonwealth of Massachusetts directed re.

Ayers & Morgan for Plff

On bill of 268 July 1881
 Hyatt Clerk 4.65 to June 82
 County Clerk 1.60
 Atty 15.00
 Deputer 5.00

Estimated \$28.43
 \$29.19

William W. Sage
 Bill & Foreign attachment
 John S. Bailey

1881. June 10th Bills filed.
 " July 25th not executed
 " August 25th not executed
 " Sept. 25th not executed
 " Nov. 25th not executed
 " Dec. 25th not executed
 1882 Jan. 25th not executed
 " Feb. 25th not executed
 " March 25th not executed
 1882 Aug. 25th not executed

Clerk's cast per cent
 Dr. H. Hyatt

H. J. Morgan
 has paid me in
 this case 50 cts
 fromer Mils
 Did / or / 3 cts

Henry J. Morgan has this day paid me Thirty four dollars & 77 cents
 the principal & interest of the within mentioned debt. June 20 1881

William W. Sage

Recd of H. J. Morgan attor &c \$2.68 my fee.
 June 20th 1882.
 Jas W Orr. Cts Clk.

Wm. W. Sage Peff
vs. } In Chancery
John S. Bailey Deft.

On the calling of this cause at the present term, the Peff's counsel announced through a paper filed in the cause marked (A.B) that since the last term the debt had fully paid the debt and costs due to the plaintiff at the last term. It is therefore adjudged ordered and decreed that this cause be struck from the docket.

Wm. Sage

as } Decree No. 2 final

John S. Bailey

Entered Page 268

J. A. G. Hyatt
' ' ' Clerk

Enter
in A. K.
Sept 4/82

Wm W. Sage

vs.

Jno S. Bailey

This cause came on this day to be heard on the bill of the Plff. and exhibit therewith, and was argued by counsel. On consideration thereof it is adjudged ordered and decreed that the plaintiff recover of the defendant \$25.44 with legal interest thereon from the 8th day of May 1876 till paid and the costs of suit, and unless this decree be paid within 30 days after the rising of the court to the Plff. by the deft. or some one for him then it is further adjudged ordered and decreed that so much of the 300 acre tract of land in the bill mentioned which has been attached by regular ^{of attachments} process in this cause, be sold at public outcry ^{to the highest bidder} at the front door of the court house in Lee County on some court day for cash in hand as will be necessary to pay the same. And Henry J. Morgan is appointed a Special Commissioner to make said sale, but before doing so he will advertise the time terms and place of sale 30 days prior thereto. He will report his action to the court from time to time. But the Plff. in order to enable himself to the benefit of this decree is required ^{before the clerk of this court} to enter into bond with good security in the penalty of ^{\$150.00} ~~\$500.00~~ with condition to perform such future order as may be made on the appearance of the defendant and his making defence and the cause is continued.

W. W. Sage

vs { Decree No 1

John S. Bailey

Entered Page 242

J. A. Hyatt Clerk

Enter
In A.K.
2/1/82

William W. Sage who is plaintiff in a Chancery
Suit now pending in the circuit court of Lee County
against John S. Bailey has this day made Oath
before me that the claim in which his said Suit is
founded is just and unpaid, that he verily believes
that he is entitled to and ought to recover in said
Suit against said Bailey the Sum of \$25.44 with legal
interest thereon from the 9th day of May 1876 till
paid, that said Bailey is a non resident of the State
of Virginia, that he has present cause of action against
him for said Sum of Money, and that said Bailey
is the owner of real estate lying in the County of Lee
State of Virginia which is liable to be subjected to the
payment of said claim, and he therefore prays for an
attachment against said John S. Bailey To the truth
of these Statements I do solemnly swear so help me god.

William W. Sage

Sworn to before me by W. W. Sage

this first day of June 1881.

Henry J. Morgan Court in Chancery Court Lee Co.

Wm H. Sage

as {affidavit

John S. Bailey

Wm W. Sage

Plff

vs.

John S. Bailey

Def.

In Chy

To the Hon John A. Kelly Judge of the Circuit
Court of Lee Co Va

The 20th day of June ¹⁸⁸² having been fixed for the trial
of so much of the defendants land which had been attached
for the purpose, as would pay the debt decreed the Plff
at the last Term, and the costs of Suit and Sale. On
that day the Plff through his agent, paid said debt and
costs. And the plaintiffs receipts for his debt may be seen
in the Book of said Bill together with the Sheriffs and the
late Clerk's receipts for their fees, and the said agents settled
with Mr Hyatt his costs, and with the undersigned for
their fee in the case

Respectfully Submitted
Adams Morgan

Wm. W. Sage

vs { Refers to having debt paid

John S. Bailey.

Filed July 27 1882

J. A. Hyatt
Clerk

(AB)

This deed made this the 25th day of March in the year of our Lord
one thousand eight hundred and eighty eight between Edmund
Hill, and Anna Hill his wife, William Huffer and Annas
D. Robins of the county of Lee and State of Virginia of the one
part and John C. Bailey of the county and State of Nevada of the
other part. That unto that for and in consideration of the sum
of one thousand dollars we have said the receipt whereof is hereby
acknowledged the said Edmund Hill and Anna Hill his
wife William Huffer Annas D. Robins both grant bargain
and sell unto the said John C. Bailey a certain tract or parcel
of land lying and being in the county of Lee and in the Graham
land and bounded as follows to wit. In the eastern of Lewis
Creek beginning on the top of the Little Black Mountain on the
East side thence northerly running down the top of the divide
ing ridge between Lewis Creek and Jones Creek to a chestnut
on the top of said ridge thence down said ridge to a hickory
and dogwood standing on the west side of said ridge thence
down said ridge to our black oak on the top of said ridge thence
down said ridge running eastwardly to two larches and
Maple standing on the bank of Lewis Creek, thence running
down said creek to the section line thence northerly, run-
ning with the section line to David Gansons line northeasterly
running with said line to the top of said ridge on a Maple and
dogwood near the section line thence northerly running up
said ridge to the top of said Mountain on the East side thence
easterly running with the section line to a white oak thence
east to the top of the ridge to James H. Dougherty's Range line and
to two chestnuts Maple and Sugar tree on the top of said Mountain

thence Southwardly running down the said ridge to a white
corner in the branch, thence down said branch to a beech
downward, thence westwardly running to the top of a ridge
to chestnut oak, thence Southwardly running up said ridge
to the top of said mountain to two chestnut oaks and white
oak, thence westwardly running with the top of said moun-
tain to the Beginning, containing three hundred acres be-
the same more or less, and the said Edmund Witt, and Anna
his wife and William Kappier and Amarias D. Robbins agree-
nts with the said John S. Bailey that we will warrant
generally the land hereby conveyed, Whereas the following
signatures, and, seals, and the above mentioned land to stand
good for one thousand dollars, of the purchase money to
James Peleg.

Edmund W. Witt
William Kappier
Anna Witt
seal

Lee County to wit: The Justices of the peace for the County
aforesaid in the State of Virginia, do certify that Edmund
Witt, being absent from her husband and and William Kappier
and Amarias D. Robbins whose names is signed to the writing
above bearing date on the 25th day of March 1858 have
acknowledged the same before us in our County aforesaid
Given under our hands,

Amarias D. Robbins J. P.
Hiram W. Reece J. P.

Lee County to wit: The Justices of the peace for the County
aforesaid in the State of Virginia, do certify that Anna Witt
being absent from her husband whose name is signed,

to the writing above bearing date on the 25th day of March
1858, have acknowledged the same before us in our
County aforesaid Given under our hands,

Amarias D. Robbins J. P.
Hiram W. Reece J. P.

Virginia.

At a court of quarter sessions begun and held
for Lee County at the Court House thereof on Monday
the day of August 1858.

This Indenture of bargain and sale for land between
Edmund Witt and others of the one part and John S.
Bailey of the other part was admitted to record upon the
certificates of two Justices of this County.

Seal
Teste John S. Bailey Clerk

John S. Bailey
True Copy of Deed
Richard W. W. et al.
Recorded in Deed
Book 17, Page 642
Lafayette

Teste J. R. Wilson et al.

(B)

Fee for this copy 60¢
Chgd to W. W. Sage.

Virginia

In the Circuit Court of Lee County, Va.

William H. Sage

Pff.

vs.

John S. Bailey

Def.

In Chy On Foreign

Attachment.

The object of this suit now pending in the Circuit Court of Lee County is to recover by the Pff against the def.

The deft in the Pffs bill mentioned with legal interest thereon from the day of 18 till paid and the costs of this suit and to subject to the payment thereof so much of a certain tract of land belonging to the deft lying and being in said County of Lee and in the County of Shenandoah which has been tied up by an order of attachment issued in this cause as will be necessary for that purpose, and the clerk of the County Court of said County will record in his deed book this lis pendens and index the same in the name of the Deft at the suit of the Pff.

W. H. Sage by Counsel

W. H. Sage

or 3 Lio Brothers

John S. Bailey

resided in Deer Creek
to. & Sage & Co.

John S. Bailey, Dec

Virginia. Lee County Court room office June 1888
The foregoing is a true and correct copy of the
this is recorded to record in my office.

Respectfully,
John S. Bailey

Know all men by these presents that
we Wm. W. Sage,

are held and firmly bound
unto the Commonwealth of Virginia, in
the just and full sum of
dollars for the payment
thereof well and truly to be made to the
said Commonwealth, we bind ourselves
our heirs, executors and administrators
jointly and severally, firmly by these
presents, And we hereby waive the
benefit of our homestead exemptions
as to this bond, Witness our hands and
seals this the 16th day of May 1882.

The Condition of the above obligation
is such that whereas on the day
of 1882 the above bound Wm.
W. Sage obtained a decree in the circuit
of Lee County at the March term 1882
for the sum of and the
cost of suit against

with legal interest on the principal
from the day of 188
till paid, Now if the plaintiff shall
abide by and perform all orders and
decrees which may be made in this
Cause, upon the appearance of the
defendant and his making def-
ense thereto then this obligation

to be null and void, otherwise
to remain in full force and
virtue at law.

Seal
Seal
Seal

Ann W. Sage
vs
John C. Bailey

25.44
9 33

34.77

One Day after Date I bind my self
and heirs to pay William, W. Seize twenty
five Dollars and forty four cents for
value Received witness my hand and
seal here ited waived this note was
given for his Taxes for the year 1870
this the 9 of May 1876
John S Bailford

John S
Bailey
Note
\$25.44

Virginia

In the Clerk's Office of the Circuit Court
of the County of Loudoun the 27 day of Nov, 1861

App. to have

Wm. H. Hays

vs.

John S. Hays

Def.

In testimony
whereof

It is ordered on this writ is to return of the defendant
the sum of \$20.00 with legal interest thereon from the 1st
day of May 1861, till paid and the costs of this suit,
and to subject to the payment thereof the land in the
defendant's possession, which has been attached for the
purpose. And it appearing also as aforesaid that
the land is in the possession of a non-resident of
this State. It is ordered that the officer this
writ is directed to after the publication of this writ
shall do what is necessary to protect his interest in
this suit.

J. C. Hays, Clerk of the Court.

That being entered
 I certify that on the 19th day of Nov. 1871, I put
 a copy of the within order, at the front door of the
 Court House of the County, in compliance with
 said 2d' day of Nov 1. 1. J. H. Hunt Clerk

Wm. H. Hunt
 W. H. Hunt
 W. H. Hunt

W. H. Hunt

W. H. Hunt

W. H. Hunt

The Commonwealth of Virginia.

We command you to summon

To The Sheriff of Lee County, Greeting:

John S. Bailey

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in
next, being rule, to answer a bill in Chancery, exhibited in our said Court against

July
Wm. Sage by

W. W. Sage

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this
day of *June* 1881, in the 105 year of the Commonwealth.

10th

John C. Orr, L. (Clerk.)

The proper affidavit having been filed in this cause
the Officer serving this process is ordered to attach the
estate of the defendant in Le County and the same in
his hands so stretched so to secure and provide that the
same may be forth coming and viable to the future
order of this court.

John C. Osborn Clerk

If it be
as I have said
I will do it
Sincerely
Yours
John C. Osborn
Clerk

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

We command you to summon

John S. Bailey

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in *July* next, being rule, to answer a bill in Chancery, exhibited in our said Court against *James* by

J. W. Leger

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this *10th* day of *June* 188*6*, in the 10*5* year of the Commonwealth.

John W. Orr
Clerk.

A copy

John W. Orr
John W. Orr

The proper affidavit having been filed in this cause,
the officer serving this process is ordered to attach the
estate of the defendant in Lu County and the same in
his hands is attached so to secure and provide that the
same may in the future be liable to the future
order of the Court.

A copy John C. Orr D.C.

Wm. John C. Orr D.C.

The Commonwealth of Virginia.

again
We command you to summon

To The Sheriff of Lee County, Greeting:

John S. Bailey

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in *August*
next, being rule, to answer a bill in Chancery, exhibited in our said Court against *him* by

Wm W. Sage

And have then there this writ. Witness *J. A. Hyatt* JAMES W. Orr, Clerk of our said Court, at the Courthouse, this
day of *July* 1881, in the 10⁶ year of the Commonwealth.

J. A. Hyatt

22
Clerk.

W. W. Sage

W. B. Spain chg.

John S. Bailey

Aug. Rules 1881.

On the 29th day of July 1881
I viewed the within Space and
order of attachment on a
300 acre tract of land which
was conveyed by Edmond
Witt others to the deft John
S Bailey who is a resident
out of the state, which land
lies in Sec 60 in the
land bounded on the little
Black Mountain

James M. D. for

Thomas S. Ealy & Co.

The proper affidavit having been filed in this
cause, the officer serving this process is ordered to
attach the estate of the defendant in Lee County, and
the same in his hands so attached so to secure and
provide that the same may be forthcoming and
liable to the future order of the Court.

John A. Hyatt clerk

LETTER-HEADS, CARDS, POSTERS, TAX-LISTS, LEGAL-BLANKS, &C., ON SHORT NOTICE.



THE SENTINEL,

WM. A. ORR,

CHARLES WILLOUGHBY,

Editor & Proprietor.

Business Manager.

Democratic — SUBSCRIPTION, \$1 50 a Year — CIRCULATION, 1,500.

Jonesville, Va., *Jan. 14*, 1882

I hereby certify that the annexed
Chancery order was printed four suc-
cessive weeks ending Dec. 23, 1881,
in the Lee Co. Sentinel, a weekly news-
paper printed at Jonesville, Va.

Charles Willoughby, Publ.

VIRGINIA:—In the Clerk's Office of the
Circuit Court of Lee County, the 25th
day of November, 1881.

W. W. Sage, Plff., vs. John S. Bailey, Def.
— In Chancery.

The object of this suit is to recover of the
defendant the sum of \$25.44, with legal inter-
est thereon from the 9th day of May, 1876,
till paid, and the costs of this suit, and to sub-
ject to the payment thereof the lands in the
bill mentioned, which has been attached for
the purpose. And it appearing from an affi-
davit filed in the cause that the defendant is a
non-resident of the State, it is ordered that he
appear here within one month after due pub-
lication of this order, and do what is necessa-
ry to protect his interest in this suit.

A copy—test: J. A. G. HYATT,

Dec 24—1881—\$5.

Clerk.

W. W. Sage
V. 3 Pub. Lib.
Jno. S. Bailey